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PENDING CLAIMS AS AMENDED

Please amend the claims as follows:

1. (Currently Amended) In a wireless communication system, a method for controlling a data transmission between a transmission source and a receiving device, the method comprising:
receiving a current transmission at a current data rate for a current transmission interval;
detecting an average throughput for the data transmission and reflective of the current transmission;
comparing the detected average throughput against a threshold throughput;
signaling the transmission source to stop the data transmission if the detected average throughput exceeds the threshold throughput; and
characterizing the performance of the receiving device to determine the threshold throughput, wherein the performance of the receiving device is characterized by detecting packets dropped or received in error by the receiving device.
2. (Original) The method of claim 1, further comprising:
signaling the transmission source to resume the data transmission if the threshold throughput is not exceeded.
3. (Cancelled)
4. (Cancelled)
5. (Previously Presented) The method of claim 1, wherein the performance of the receiving device is characterized prior to first field use of the receiving device.
6. (Previously Presented) The method of claim 1, wherein the performance of the receiving device is characterized dynamically during field use.

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7. (Currently Amended) In a wireless communication system, a method for controlling a data transmission between a transmission source and a receiving device, the method comprising:
- receiving a current transmission at a current data rate for a current transmission interval;
 - detecting an average throughput for the data transmission and reflective of the current transmission;
 - comparing the detected average throughput against a threshold throughput;
 - signaling the transmission source to stop the data transmission if the detected average throughput exceeds the threshold throughput; and
 - averaging a value indicative of a throughput for the current transmission with values indicative of throughputs for one or more prior transmissions in one or more prior transmission intervals, wherein the averaging is achieved with a sliding window averaging.
8. (Currently Amended) The method of claim 7, wherein the averaging is further achieved with a particular averaging scheme selected based in part on a design of a data buffer used to store samples for the data transmission.
9. (Cancelled)
10. (Cancelled)
11. (Previously Presented) In a wireless communication system, a method for controlling a data transmission between a transmission source and a receiving device, the method comprising:
- receiving a current transmission at a current data rate for a current transmission interval;
 - detecting an average throughput for the data transmission and reflective of the current transmission;
 - comparing the detected average throughput against a threshold throughput; and
 - signaling the transmission source to stop the data transmission if the detected average throughput exceeds the threshold throughput, wherein the signaling includes sending a message to the transmission source to request the data transmission be stopped, and wherein the message

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is covered by a null cover that indicates that data transmission is not requested by the receiving device.

12. (Previously Presented) The method of claim 11, wherein the message requests a transmission at zero data rate.

13. (Previously Presented) The method of claim 11, wherein the message is sent for each transmission interval in which a transmission is not requested.

14. (Currently Amended) ~~In a wireless communication system, a method for controlling a data transmission between a transmission source and a receiving device, the~~ The method of claim 7, further comprising:

~~receiving a current transmission at a current data rate for a current transmission interval;~~

~~detecting an average throughput for the data transmission and reflective of the current transmission;~~

~~comparing the detected average throughput against a threshold throughput;~~

~~signaling the transmission source to stop the data transmission if the detected average throughput exceeds the threshold throughput; and~~

~~resetting the average throughput to an initial value prior to reception of a first transmission for the data transmission.~~

15. (Original) The method of claim 1, wherein the data transmission is transmitted in time division multiplexed (TDM) transmission intervals.

16. (Original) The method of claim 1, wherein the wireless communication system is an HDR CDMA system.

17. (Original) The method of claim 1, wherein the wireless communication system is a CDMA system that conforms to W-CDMA standard or cdma2000 standard.

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18. (Currently Amended) ~~In a CDMA communication system, a method for controlling a data transmission between a base station and a terminal, the~~ The method of claim 7, further comprising:

~~receiving a current transmission at a current data rate for a current transmission interval;
detecting an average throughput for the data transmission and reflective of the current transmission, wherein the average throughput is detected by averaging a value indicative of a throughput for the current transmission with values indicative of throughput for one or more prior transmissions in one or more prior transmission intervals;~~

~~comparing the detected average throughput against a threshold throughput;
signaling the base station to stop the data transmission if the detected average throughput exceeds the threshold throughput; and~~

~~if the data transmission has been stopped and the threshold throughput is not exceeded,
signaling the base station to resume the data transmission.~~

19. (Previously Presented) A terminal operative to receive a data transmission from a transmission source in a wireless communication system, the terminal comprising:

a receiver unit operative to receive and process a modulated signal for the data transmission to provide digitized samples;

a demodulator coupled to the receiver unit and operative to receive and process the digitized samples to provide a value indicative of a current data rate for a current transmission in a current transmission interval;

a detector coupled to the demodulator and operative to

detect an average throughput for the data transmission, wherein the average throughput is reflective of the current data rate for the current transmission,

compare the detected average throughput against a threshold throughput, and

provide a status signal indicative of a result of the comparison between the detected average throughput and the threshold throughput;

a controller coupled to the detector and operative to receive the status signal and generate a message requesting the transmission source to stop the data transmission if the detected average throughput exceeds the threshold throughput; and

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a transmitter unit coupled to the controller and operative to receive and transmit the message,

wherein the detector includes:

a filter operative to receive a value indicative of a throughput for the current transmission and provide the average throughput, and

a comparator coupled to the filter and operative to receive and compare the average throughput with the threshold throughput to provide the status signal.

20. (Cancelled)

21. (Previously Presented) The terminal of claim 19, wherein the filter is implemented as a finite impulse response (FIR) filter.

22. (Original) The terminal of claim 19, wherein the message conforms to a DRC message defined by an HDR CDMA system.